



General Assembly

February Session, 2010

Amendment

LCO No. 4815

SB0036904815SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. DOYLE, 9th Dist.

REP. WALKER, 93rd Dist.

SEN. PRAGUE, 19th Dist.

To: Senate Bill No. 369

File No. 257

Cal. No. 185

***"AN ACT CONCERNING THE ENFORCEMENT OF SURETY
CONTRACTS BY NURSING HOMES."***

1 In line 9, after "applicant" insert the following: ", including, but not
2 limited to, an agreement between a representative of an applicant and
3 a nursing home facility,"

4 In line 14, strike the opening bracket

5 Strike line 16 in its entirety and insert the following in lieu thereof:
6 "in accordance with its regulations; and (3) such contract contains"

7 In line 17, insert an opening bracket before "clause", insert a closing
8 bracket after "states" and after the closing bracket insert the following:
9 "notice advising the applicant or third-party guarantor that (A)"

10 In line 21, strike ":" and strike the opening bracket

11 In line 24, strike the closing bracket and after "regulations" insert the
12 following and renumber the remaining subsection accordingly: "(B)
13 state and federal law prohibit a nursing home facility from requiring a
14 third party to personally guarantee payment as a condition of
15 admission or continued stay in the facility; (C) due to the complexity
16 involved in preparing an application for Title XIX benefits, it may be
17 advisable for the person completing such application to seek
18 professional assistance or legal advice; and (D) the applicant and third-
19 party guarantor have a right to rescind the contract with the nursing
20 home facility not later than three business days after the applicant or
21 third-party guarantor executes the contract. Such notice shall be
22 written in not less than ten-point, boldface type, shall be stated in plain
23 and simple language and, whenever possible and in accordance with
24 any applicable federal guidelines, shall be in the primary language of
25 the recipient"

26 (c) A nursing home facility may prepare and submit an application
27 for Title XIX benefits to the Department of Social Services on behalf of
28 a person residing in or seeking admission to the nursing home facility,
29 provided such person or such person's authorized representative
30 authorizes the nursing home facility, in writing, to prepare and submit
31 such application on such person's behalf.

32 In line 25, bracket "(c)" and after the closing bracket insert "(d)"